IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

Bail Appl..No. 6664 of 2007()

CRMP.3586/2007 of II ADDL. DISTRICT COURT, PALAKKAD

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CRIME NO.181/2007 OF WALAYAR POLICE STATION

PETITIONER/ACCUSED NO.5

PROMOD,S/O. BHASKARAN, 32 YEARS,
KURINGIKATTIL HOUSE, VENGARA'MALAPPURAM DIST.

BY ADV. SRI.T.K.SAIDALIKUTTY
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN

RESPONDENTS: RESPONDENTS

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1. THE STATE REPRESENTED BY THE
PUBLIC PROSECUTOR HIGH COURT OF
KERALA ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE
VALAYAR POILICE STATION.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 6664 of 2007

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Dated this the 6th day of November, 2007

ORDER

Application for regular bail. Petitioner is the 5th accused. He faces allegations under Section 399 IPC and Section 27 of the Indian Arms Act. On receipt of prior information, Police party went to the house from where accused Nos.1 and 2 were apprehended. Seven swords and knives were available in the premises. It is alleged that accused persons were found altogether at the scene, planning to commit the offence of decoity and other allied offences. The petitioner was arrested on 27.9.07. He continues in custody from that date. The co-accused have criminal antecedents. The petitioner has one earlier crime registered under Section 32 of the Arms Act against him. It is submitted that he has already been directed to be enlarged on bail in that case. The learned counsel for the petitioner prays that the petitioner may now be granted regular bail.

2. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that considering the

criminal antecedents of the petitioner as also the co-accused and the nature of the articles recovered from the premises, the petitioner may not be granted regular bail. Investigators in a serious crime like this may be granted reasonable further time to complete the investigation, prays the learned Public Prosecutor.

3. Having considered all the relevant inputs, I am satisfied that the petitioner can now be directed to be released on bail with effect from a date by which I expect the Investigator to complete the investigation.

4. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) The petitioner shall not be released on bail on the strength of this order prior to 16.11.2007. The Investigating Officer shall, in the meantime, make every endeavour to complete the investigation.

ii) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m

and 12 noon on all Mondays and Fridays, for a period of two months. Thereafter, he shall make himself available for interrogation as and when directed by the investigating officer in writing to do so.

iv) During the said period of two months, the petitioner shall not leave the jurisdiction of Valayar Police Station. He shall keep the Investigating Officer informed if the address of his place of residence and change in address, if any. This shall not effect his liability to appear before the learned Magistrate or the Investigating Officer in connection with the other crime in which he was enlarged on bail (as per order in B.A.No.6667/07).

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE